

OCT 31 2008

JOHN F. CONCOMAN, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA,)	Criminal Action No. 3:06-cr-00007-9
)	
)	
v.)	<u>FINAL ORDER</u>
)	
)	By: Hon. Norman K. Moon
LARRY JOSEPH NICELY.)	United States District Judge

In accordance with the accompanying memorandum opinion, it is now

ORDERED

that the United States' motion to dismiss is **GRANTED**; Nicely's motion to vacate, set aside, or correct sentence is **DISMISSED**; and this case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the defendant and counsel for the United States.

ENTER: This 31st day of October, 2008.

Norman K. Moon

NORMAN K. MOON
UNITED STATES DISTRICT JUDGE